

SEMINOLE COUNTY GOVERNMENT AGENDA MEMORANDUM

SUBJECT: Follow-up to Budget 2007/08: \$2 Court Technology Fund

DEPARTMENT: Fiscal Services

DIVISION: Administration - Fiscal Services

AUTHORIZED BY: Lisa Spriggs

CONTACT: Lisa Spriggs

EXT: 7172

MOTION/RECOMMENDATION:

Approve use of the target formula as presented as a means to allocate the funding within the \$2 Court Technology Fee Fund and unfreeze the State Attorney's Office position.

County-wide

Lisa Spriggs

BACKGROUND:

During the FY2007/08 budget process, staff presented to the Board that there was insufficient funding within the \$2 Court Technology Fee Fund to meet the requests of the Court Agencies (Judiciary, State Attorney and Public Defender). The Board directed staff to continue to work with the Agencies to determine a solution that could be utilized for FY2007/08 and on an ongoing basis. The budget was approved inclusive of a newly requested (but frozen) State Attorney position and a negative placeholder to balance the fund pending further review.

Staff has worked with the Court Agencies to review current charges to the Fund and to determine what process could be followed on an ongoing basis. The recommendation is a formula based approach to current and future budgets with a collaborative process of review going forward by County Staff in conjunction with the Court Agencies. Attached is an outline of the proposed process and key points, a fiscal recap of the target formula applied to the FY2007/08 budget, and letters from the Court Agencies expressing their understanding of the process.

Based on the information presented, an amendment to the operating budget for the fund will be presented as part of the December 11 BCC meeting. Staff will continue to work with the Court Agencies to ensure the most efficient and effective use of the dedicated funding.

The recommendation at this time is to approve:

1. The target formula in concept,
2. The State Attorney's Office position be approved for hire, and
3. The Judiciary vacant position remain frozen.

STAFF RECOMMENDATION:

Board approve use of the target formula as presented as a means to allocate the funding within the \$2 Court Technology Fee Fund and unfreeze the State Attorney's Office position.

ATTACHMENTS:

1. State Attorney Letter Dated October 29, 2007
2. Public Defender Letter Dated October 29, 2007
3. Judiciary Letter Dated October 31, 2007
4. \$2 Technology Fee Fund - Target Formula Analysis
5. \$2 Technology Fee Fund - Target Formula Summary

Additionally Reviewed By: No additional reviews

OFFICE OF THE STATE ATTORNEY

Brevard County Office
2725 Judge Fran Jamieson Way
Bldg. D
Viera, FL 32940-6605
(321) 617-7510

EIGHTEENTH JUDICIAL CIRCUIT OF FLORIDA
BREVARD AND SEMINOLE COUNTIES

Seminole County Office
101 Bush Blvd.
P.O. Box 8006
Sanford, FL 32772-8006
(407) 665-6000

NORMAN R. WOLFINGER
STATE ATTORNEY



Reply To:

Viera

October 29, 2007

Ms. Cynthia Coto
Seminole County Manager
1101 East First Street
Sanford, Florida 32771

Dear Ms. Coto,

As the State Attorney for the 18th Judicial Circuit, I have favored establishing a distribution formula for the \$2.00 Technology Fee since its inception. In my view, the distribution formula creates equity and fairness among the Courts, Public Defender and State Attorney Offices. The establishment of, and distribution by a funding formula in Brevard County has demonstrated that participating entities are operating within their individual allotments. Moreover there is a willingness among the entities to support special projects that benefit all parties.

Based upon current projected collections of \$1.5 million and the termination of the Article V Technology Board through the repeal of Chapter 29.0086 F.S., the State Attorney supports the following formula as a target for reaching an equitable distribution of available funds:

There will be a 20% set aside of the dollars collected and from this set aside the Guardian ad Litem will receive their funding. The remaining dollars will be divided equally into two portions, with one portion being evenly divided between Public Defender, Court Administration, and State Attorney's Office. The remaining portion will be divided by FTE.

This formula places Court Administration over their allocated targeted budget. At this time, the State Attorney's Office is in agreement with Court Administration receiving dollars from the set aside to cover this year's shortfall, with the understanding that Court Administration will provide detail and timeline on how they will lower their following year's expenditures to reach the targeted budget distribution.

Ms. Cynthia Coto
October 29, 2007
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This formula assesses no administrative cost to any of the participating entities. Additionally, any monies found to have been misallocated in prior years will be returned to the set aside; no contracts or purchases will be made by the county without authorization from the individual entities; and a Memorandum of Understanding will be drafted to ensure future clarification on the targeted budget.

I want to express my appreciation to Lisa Spriggs for working with my staff to resolve the issues with the Article V Technology Fee expenditures and budget. If you have any additional questions, please let me know.

Sincerely,



NORMAN R. WOLFINGER

NRW/sm

2725 JUDGE FRAN JAMIESON WAY
BUILDING E
VIERA, FLORIDA 32940
TELEPHONE: (321) 617-7373

POST OFFICE BOX 8004
101 BUSH BOULEVARD
SANFORD, FLORIDA 32772-8004
TELEPHONE: (407) 665-4524

OFFICE OF THE
PUBLIC DEFENDER
EIGHTEENTH JUDICIAL CIRCUIT
BREVARD & SEMINOLE COUNTIES

BLAISE TRETTIS
EXECUTIVE ASSISTANT

MARY LU TOMBLESON
EXECUTIVE DIRECTOR

JAMES RUSSO
PUBLIC DEFENDER

October 29, 2007

Ms. Cynthia Coto
Seminole County Manager
1101 East First Street
Sanford, Florida 32771

Dear Ms. Coto,

I have favored establishing a distribution formula for the \$2.00 Technology Fee since its inception. In my view, the distribution formula creates equity and fairness among the Courts, Public Defender and State Attorney Offices. The establishment of, and distribution by a funding formula in Brevard County has demonstrated that participating entities are operating within their individual allotments. Moreover there is a willingness among the entities to support special projects that benefit all parties.

Based upon current projected collections of \$1.5 million and the termination of the Article V Technology Board through the repeal of Chapter 29.0086 F.S., I support the following formula as a target for reaching an equitable distribution of available funds:

There will be a 20% set aside of the dollars collected and from this set aside the Guardian ad Litem will receive their funding. The remaining dollars will be divided equally into two portions, with one portion being equally divided between the Public Defender, Court Administration, and the State Attorney. The remaining portion will be weighted by FTE.

The budget request submitted by Court Administration for FY07/08 exceeds their allocation under this formula. Recognizing that transition time is required, the Public Defender agrees, this one time, to Court Administration borrowing dollars from the set aside to cover this year's shortfall, with the understanding that a detailed plan and timeline for meeting their succeeding year's expenditures within budget limitations is submitted.

This formula assesses no administrative cost to any of the participating entities. Additionally, any monies found to have been misallocated in prior years will be returned to the set aside; no contracts or purchases will be made by the county without authorization from the individual entities; and a Memorandum of Understanding will be drafted to ensure future clarification on the targeted budget.

I appreciate the work of Lisa Spriggs. Her leadership was a critical component to resolving the issues with the Article V Technology Fee expenditures and budget. If you have any additional questions, please let me know.

Sincerely yours,

A handwritten signature in black ink, appearing to read "James Russo". The signature is fluid and cursive, with a large initial "J" and a stylized "R".

James Russo
Public Defender



RECEIVED

NOV 01 2007

SEMINOLE COUNTY
COUNTY MANAGER

Circuit Court
Eighteenth Judicial Circuit of Florida
COUNTIES OF BREVARD AND SEMINOLE

CLAYTON D. SIMMONS
CHIEF JUDGE

SHERRY ROBINSON
Judicial Assistant

October 31, 2007

SEMINOLE COUNTY COURTHOUSE
301 N. PARK AVE.
SANFORD, FL 32771
(407) 665-4299
FAX: (407) 665-4287

Ms. Cynthia Coto
County Manager
Seminole County
1101 East First St.
Sanford, FL 32771

Re: Article V Technology Fee

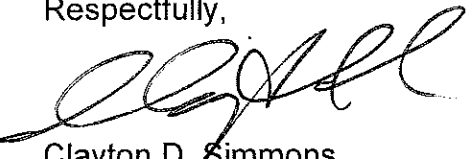
Dear Ms. Coto:

Wayne Fountain, our Court Technology Officer, advises that the Article V Technology Fee stakeholders agreed to a tentative budget on October 26, 2007.

On behalf of the Courts we agreed to work with the County to minimize the technology budget during this budget year. To this end we agreed to freeze the Network Administrator position vacated by Wayne Fountain, for the time being. If in the future this proves to be an unacceptable impediment to Court functions, we reserve the right to revisit this issue. As an interim solution, to offset the loss of this vacant management function, it was agreed that one of our Computer Support Technicians would be reclassified to a Technology Project Manager position.

I want to make certain everyone understands that the loss of the Network Administrator and the severe reduction in technology funding for the Courts will put a strain on the Court technology function. While the Courts are willing to cooperate with the County in this current fiscal environment, this should in no way be construed to be a concession that Court technology support by the County is limited to the revenue generated by the \$2.00 Article V Technology Fee.

Respectfully,


Clayton D. Simmons
Chief Judge

Court Technology Fee Fund

FY2007/08 Budget

\$2 Fee Collected \$ 1,500,000

GAL	35,000	
County/Contingency	265,000	
20% to contingency, County, and GAL		<u>300,000</u>

Remaining 80% 1,200,000

50% Allocated Equally		
State Attorney	200,000	
Public Defender	200,000	
Judicial	<u>200,000</u>	600,000

50% Allocated by FTE*		
State Attorney (106)	270,638	
Public Defender (51)	130,213	
Judicial (78)	<u>199,149</u>	600,000

\$ -

	<u>FY08 Budget</u>	<u>Formula Allocation</u>	<u>Over (under)</u>	<u>Additional Allocation</u>	<u>Reduction</u>
State Attorney	\$ 436,878	\$ 470,638	\$ 33,760	\$ -	\$ 33,760
Public Defender	369,240	330,213	(39,027)	-	(39,027)
Judicial	<u>755,339</u>	<u>399,149</u>	<u>(356,190)</u>	<u>100,000</u>	<u>(256,190)</u>
	<u>\$ 1,561,457</u>	<u>\$ 1,200,000</u>	<u>\$ (361,457)</u>	<u>\$ 100,000</u>	<u>\$ (261,457)</u>

\$2 Court Technology Fee Fund

- Court Agencies to work toward living within the funding provided through the agreed upon formula (revisiting annually and holding each other accountable):
 - 20% of annual fee collected to support Guardian Ad litem and provide a contingency for joint projects and other agreed upon uses.
 - Remaining 80% –
 - 50% Allocated Equally
 - 50% Allocated by FTE, with Judicial FTE modified for inclusion of 16 court rooms as 1 FTE each.
- Formula modified in FY2007/08 to include approximately \$100,000 additional funding to Judicial to provide a transitional means to fund current operations, while efficiencies are being implemented.
- County to charge no administration charge for network support/infrastructure. Based on evaluation of the services provided directly to the Court Agencies in support of court technology requirements allowable to be paid by the fee, it was determined that the services could be absorbed through normal operations. This will allow the funding to be used solely in support of direct expenditures for technology needs of the Agencies. Reimbursement of fund for part of the previous charges to be made to establish contingency October 1, 2007.
- County to take full responsibility for switches/routers supporting court facilities.
- Court Agencies in conjunction with County will look to the most cost effective means to continue to operate with regard to computer equipment (lease vs. buy, equipment requirements, software licensing etc.).
- One of the four Judiciary positions funded through the Technology Fee Fund is currently vacant. The position will remain frozen, allowing the Judiciary to modify operations and reevaluate need. Additionally, the position funding will be eliminated as a means to bring the Judiciary budget down to the targeted allocation.
- The State Attorney requested through the FY2007/08 budget process that a position be funded. The State Attorney currently has no positions funded. The position is accommodated by the State Attorney's current allocation under the target formula.
- Going forward annual budget meetings will be held with County staff and the Court Agencies to formulate recommendations to the Board regarding funding upon review of budget requests and target allocation formula.

Note: The funding formula will need to be revisited to incorporate support for the Criminal Conflict and Civil Regional Counsels offices established through legislation passed in 2007. Staff is currently working with representatives from this newly established agency to determine the impact. The current requirements are unknown.